

Remarks

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this Amendment, Applicant seeks to cancel claims 1-23 without prejudice or disclaimer and add new claims 24-46 in their place. Upon entry of the foregoing amendment, claims 24-46 will be pending in the application, with 24, 38, and 46 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

Claim 1, 2, 5-8, 10, 11, 14, and 23 stand rejected under 35 U.S.C. Sec. 102(a) as being anticipated by Diepers. Similarly, claims 15, 19, and 20 stand rejected under 35 U.S.C. Sec. 102(a) as being anticipated by Masuzawa. Claims 1-2, 5-8, 10-11, 14-15, 19-20 and 23 have been cancelled and their rejection is therefore now moot. Applicant contends that the cited reference fails to disclose, teach, or suggest all of the features of the claimed invention, as recited in new claims 24-25, 28-31, 33-34, 37-38, 42-43, and 46, respectively added in place of cancelled claims 1-2, 5-8, 10-11, 14-15, 19-20 and 23.

For example, the cited reference fails to disclose, teach, or suggest a method for sensing biometric information in a digit comprising, *inter alia*, piezo electrically sensing via an array of piezo ceramic elements and facilitating acoustic attenuation between the elements, as recited in claims 24, 38, and 46.

If a future Office Action rejects claims 24, 38, and 46, the Applicant respectfully requests that the Office Action specifically point out in the cited references a method for sensing biometric information in a digit comprising (i) piezo electrically sensing via an array of piezo ceramic elements and (i) facilitating acoustic attenuation between the elements.

It is respectfully pointed out that anticipation can only be established by a single prior art reference that discloses each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440 (Fed. Cir. 1984). Therefore, since the cited references fail to recite each and every element of Applicant's invention as recited in claims 24, 38, and 46, claims 24, 38, and 46 are not anticipated by the cited references and are therefore allowable.

Claims 25, 28-31, 33-34, 37 depend from claim 24 and claims 42-43 depend from 38. Therefore, claims 25, 28-31, 33-34, 37, and 42-43 are allowable at least for the reasons claims 24 and 38 are allowable and for the specific features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 3-4, 9, and 12-13 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Diepers. Additionally, claims 17-18 and 20-21 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Masuzawa. Claims 3-4, 9, 12-13, 17-18, and 20-21 depend from claims 24 and 38 above, and are therefore also allowable at least for the reasons claims 24 and 38 are allowable and for the specific features recited therein, for those features are believed to be non-obvious too.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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